

**Notice of Allowability**

Application No.

10/510,634

Examiner

Bobbak Safaipoor

Applicant(s)

HIKOMOTO, SATOMI

Art Unit

2618

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Phone Interview dated 12/19/2006.
2. ☒ The allowed claim(s) is/are 14-24.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with W. Douglas Hahn on December 19, 2006. The application has been amended as follows:

**Claim 25** has been cancelled.

The following is an examiner's statement of reasons for allowance:

**Claims 14-24** are allowed.

Consider **claims 14, 23, and 24** the best prior art of record found during the examination of the present application, **Noreen et al (US Patent Application Publication #2002/0183059 A1)** in view of **Higuchi (US Patent Application Publication #2002/0045445 A1)**, fails to specifically disclose, teach, or suggest a state determining section operable to monitor a reception state of the broadcast program received by said receiver, and operable to determine whether the reception state of the broadcast program is a deteriorated reception state and a reproducing section operable to reproduce the broadcast program received by said receiving section until the reception state of the broadcast program has become the deteriorated reception state, and, upon a determination by said state determining that the reception state of the broadcast

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program has become the deteriorated reception state, said reproducing section is operable to switch from reproduction of the broadcast program received by said receiving section to reproduction of the program data received by said communication section.

Noreen et al disclose a broadcast radio receiver for receiving the radio broadcast (paragraphs 16 and 46); a GPS unit operable to determine whether the mobile unit receives GPS coordinates from the GPS unit in response from commands by the subscriber for transmission to the network operations center (paragraphs 46 and 48); a interactive radio network operable to generate advertisements or musical selections specifying the radio broadcast received by the broadcast radio receiver; a wireless transmitter for transmitting the advertisements or musical selections to the network operations center and receive the program segments corresponding to the radio broadcast specified by the advertisements or musical selections from the network operations center (abstract, paragraphs 4, 12, 46, and 48); and a reproducing section operable to change the carrier frequency on the interactive radio mobile unit received by the wireless transmitter, upon determination by the GPS unit that the mobile unit has received GPS coordinates from the GPS unit in response from commands by the subscriber for transmission to the network operations center (abstract, paragraphs 46, 48, and 74).

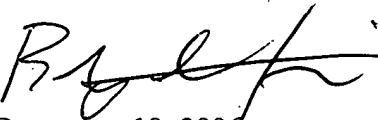
Higuchi discloses a portable mobile unit that informs the user of the deterioration of the speech quality after a predetermined time. The user can immediately know that a signal sent out from the portable mobile unit has not reached the other party. These teachings clearly differ from the claimed invention, therefore, claims 14-24 of the present application are considered novel and nonobvious over the prior art, and, consequently, are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bobbak Safaipour whose telephone number is (571) 270-1092. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
December 19, 2006

EDAN ORGAD  
PATENT EXAMINER/TELECOMM.

*h/t ag 12/14/08*